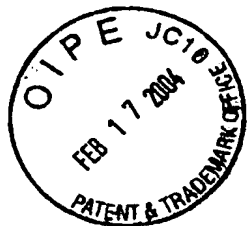


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PATENTS
293/042

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicants/ : Todd A. Berg et al.
Appellants

Application No. : 09/550,471 Confirmation No. : 8796

Filed : April 14, 2000

For : ARTIFICIAL HEART VALVE ATTACHMENT
APPARATUS AND METHODS

Group Art Unit : 3738

Examiner : Bruce E. Snow

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February 17, 2004

Mail Stop Appeal Brief- Patents
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICANTS'/APPELLANTS' REPLY
BRIEF UNDER 37 C.F.R. § 1.193(b)

Sir:

Pursuant to 37 C.F.R. § 1.193(b),
applicants/appellants file this Reply Brief, in triplicate,
to the Examiner's Answer dated December 16, 2003.

In view of the arguments and authorities set forth
in the Appeal Brief and hereinbelow, this Board should find
the rejection of claims 1, 3-5, 9, 45-49, and 53 of the

Controlled
RGG
3/1/04

above-identified patent application to be in error and should reverse it.

I. Arguments

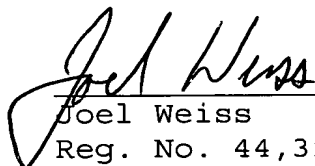
In the Examiner's Answer, the Examiner does not address applicants'/appellants' argument that Bessler U.S. Patent No. 5,855,601 (hereinafter "Bessler") teaches away from using barbed fingers. The Examiner, however, correctly notes that Lazarus U.S. Patent No. 6,416,535 (hereinafter "Lazarus") qualifies as prior art. Accordingly, applicants/appellants withdraw the argument that the Examiner has not provided evidentiary support as to the use of barbed fingers. However, even if Lazarus and other prior art references show barbed fingers, there is no motivation for combining these references with Bessler because Bessler teaches away from using barbed fingers. For at least this reason, this Board should find the rejection of claims 1, 3-5, 9, 45-49, and 53 of the above-identified patent application to be in error and should reverse it. *C. by*

II. Conclusion

The Examiner has offered no rebuttal to applicants'/appellants' primary argument. Therefore, this application is in condition for allowance. The Examiner's

rejection should be reversed, and this application should be allowed.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Joel Weiss", is written over a horizontal line.

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I hereby certify that this certification and
the following papers and fees:

1. Reply Brief (in triplicate) and
2. Return postcard

are being deposited with the United States Postal Service
"Express Mail Post Office to Addressee" service under
37 C.F.R. § 1.10 on the date indicated above and are
addressed to Mail Stop Appeal Brief- Patents,
Commissioner for Patents, P.O. Box 1450, Alexandria,
Virginia 22313-1450.

Name: _____


Claire J. Saintil-van Goodman